

Sanctioning of legal persons

Abstract

The criminal liability of legal persons was introduced into the legal system of Czech republic by the Act no. 418/2011 Coll., Act on Criminal Liability of Legal Persons and Proceedings against them which came into effect on the 1st of January 2012. It is a problematic that was highly debated even before the respective law was created and its introduction into the legal system was closely followed by most of our experts in the field of criminal law. We can still see a big interest in how this problematic functions to this day, more than 8 years after its adoption. This interest became the main motivation for the creation of this thesis. This thesis focuses mainly on the 3rd part of the above stated Act which means it concentrates on the individual sanctions applicable in relation to legal persons and how they are being used in the decision-making process of the courts of Czech republic. The demonstrate these outcomes a statistic of sanctions applied against legal persons was created. This statistic then serves as a basis for authors conclusions in relation to individual sanctions as well as a more complex conclusions regarding the whole problematic of sanctioning of legal persons in Czech republic. There were many sources used in order to create this thesis such as commentary literature in partikule, university textbooks mainly of criminal law, expert articles and a considerable amount of court judgements.

This thesis consists of introduction, followed by six parts of of main content and a conclusion. The first part of this thesis deals with a theory of sanctioning of legal persons. It defines what a legal person is and describes three concepts of their criminal liability. The second part focuses on the current legal regulation of the criminal liability of legal persons in Czech republic. The next part deals with criminal sanctions. It defines what a penalty and a sanction is and explains the difference between them, it also deals with the process of sanctioning and theoreticall diversion of individual sanctions. The fourth part focuses both theoretically and practicaly in detail to each individual sanction applicable in relation to legal persons. The fifth part is dedicated to describing foreign approaches to the problematics of criminal liability of legal persons and their comparison. Lastly the sixth part sums up the practical part of this thesis. It presents statistics and results and places them in context. It also provides authors opinions and suggestions in regards to some possibly controversial topics.